

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Maxine Schiffman,  
Plaintiff

04 Civ. 2661 (SCR)(LMS)

v.  
Benjamin Epstein, et. al.,  
Defendants

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ORDER ADOPTING  
REPORT &  
RECOMMENDATION

STEPHEN C. ROBINSON, District Judge:

This Order addresses a Report and Recommendation dated March 1, 2005, in which United States Magistrate Judge Lisa M. Smith recommends that Plaintiff's motion to amend her complaint be granted, and that Defendants be granted thirty days from the date of service of the amended complaint to file an answer.

In reviewing a Report and Recommendation, a Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted). *See also Pizarro v. Bartlett*, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is "not facially erroneous"). However, a district court judge is required to make a de novo determination as to the aspects of the report and recommendation to which objections are made. *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). Here, however, no objections have been made either to the report and recommendation.

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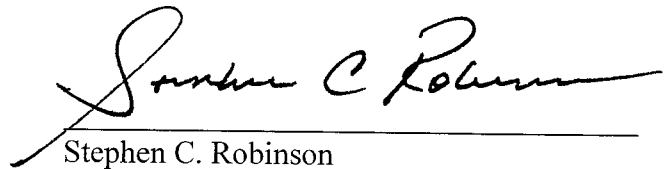
The Court has thoroughly reviewed Judge Smith's comprehensive and well-reasoned Report and has determined that there is no clear legal error on the face of the record. The Court adopts the report and recommendation for the reasons stated therein.

Accordingly,

Plaintiff's motion to amend is GRANTED. Defendants must file their answer to Plaintiff's amended complaint within thirty days of service of the amended complaint.

IT IS SO ORDERED.

White Plains, New York  
Dated: April 13, 2005

  
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Stephen C. Robinson  
United States District Judge